REMARKS

The Examiner has rejected Claims 1-33 under 35 U.S.C. §103(a) as allegedly being unpatentable over Moses (U.S. Patent No.: 6,442,688), in view of Guski (U.S. Patent No. 6,711,679). Applicant respectfully disagrees with such rejection, especially in view of the amendments made hereinabove.

Specifically, in the spirit of expediting the prosecution of the present application and bringing closure to prosecution, applicant has amended each of the independent claims to include the subject matter of Claim 30, as well as the subject matter of Claims 31, 32, or 33. Since such subject matter was presented prior to final, applicant respectfully asserts that the foregoing amendments would not require a new search and/or consideration.

In the latest action, the Examiner argues that "Moses could have been modified by Guski to arrive at the claimed invention by having the server, plurality of end user computers, certification authority system, and directory system, that are adapted for monitoring and notifying changes to the certificates (see Moses column 3, lines 40-44, and figure) and logically dividing the system into a multiple tier system, including a computer system in one tier adapted for securely communicating certificate information to a computer system in a next tier as taught by Guski (see Guski column 7, lines 9-20, column 8, lines 21-36)."

Applicant respectfully disagrees with this assertion. Moses requires that the encryption public keys of the end-users are stored in the directory 22, which is a database affiliated with the server 12 and is accessed by any of the end-users 14-20, the server 12, and the certification authority 24. Note Figure 1 of Moses. If Moses was rearranged in a plurality of tiers (i.e. like that shown in Figure 3 of Guski and/or Figure 8 of applicant's original disclosure), the foregoing required functionality of Moses would be *unworkable* since the directory 22 would not be directly coupled to the end-users, server, and certification authority, like that shown in Figure 1 of

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Moses. Thus, Moses clearly *teaches away* from any sort of multi-tier configuration, and would further be *unworkable* if such multi-tier configuration were to be attempted.

More importantly, the Examiner's proposed combination still fails to meet all of applicant's claim limitations. Specifically, neither Moses nor Guski disclose, teach or suggest contracting among tiers as to the type of changes to conditions of the electronic certificates are included with the notifications. Note the emphasized claim limitations below, in the context of the remaining claimed features:

"wherein said computer systems in said primary tier are adapted for contracting with said computer systems in said secondary tier for determining **a type of said changes to conditions of said electronic certificates** said computer systems in said secondary tier are notified of by said computer systems in said primary tier;

wherein said computer systems in said secondary tier are adapted for monitoring changes to conditions of said electronic certificates and notifying said computer systems in said tertiary tier of said changes to conditions of said electronic certificates;

wherein said computer systems in said secondary tier are adapted for contracting with said computer systems in said tertiary tier for **determining a type of said changes to conditions of said electronic certificates** said computer systems in said tertiary tier are notified of by said computer systems in said secondary tier;

wherein said computer systems in said tertiary tier are adapted for monitoring changes to conditions of said electronic certificates and notifying said computer systems in said fourth tier of said changes to conditions of said electronic certificates;

wherein said computer systems in said tertiary tier are adapted for contracting with said computer systems in said fourth tier for determining **a type of said changes to conditions of said electronic certificates** said computer systems in said fourth tier are notified of by said computer systems in said tertiary tier" (emphasis added - see all independent claims).

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A notice of allowance or a specific prior art showing of each of the foregoing features, in combination with the remaining claim elements, is respectfully requested.

Still yet, neither Moses nor Guski disclose, teach or suggest contracting among tiers so that contracts of higher tiers have an affect on the types of changes lower tiers are notified of. Note the emphasized claim limitations below, in the context of the remaining claimed features:

"wherein said computer systems in said secondary tier are notified of said type of said changes to conditions of said electronic certificates **associated with contracts between said computer systems in said primary tier and said computer systems in said secondary tier**; said computer systems in said tertiary tier are notified of said type of said changes to conditions of said electronic certificates **associated with said contracts between said computer systems in said primary tier and said computer systems in said secondary tier, and contracts between said computer systems in said secondary tier and said computer systems in said tertiary tier**; and said computer systems in said fourth tier are notified of said type of said changes to conditions of said electronic certificates **associated with said contracts between said computer systems in said primary tier and said computer systems in said secondary tier, said contracts between said computer systems in said secondary tier and said computer systems in said tertiary tier, and contracts between said computer systems in said tertiary tier and said computer systems in said fourth tier**" (emphasis added – see all independent claims).

Again, a notice of allowance or a specific prior art showing of each of the foregoing features, in combination with the remaining claim elements, is respectfully requested.

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Still yet, the Examiner relies on the following excerpt from Guski to meet applicant's claimed framework wherein the computer systems in the tiers are logically organized as a "ring," "web," or "tree."

> "In this example, each node, i.e., client 54, server 56, and server 58, is shown to contain the necessary components to provide secure delegation in accordance with this invention. While the discussions contained herein with respect to FIG. 3 contemplate a three-tier network, it is understood that the number of tiers is not limited, and the concepts can be readily expanded to an n tier system. Nonetheless, for purposes of this example, only three tiers will be considered.
>
> Client 54 comprises a certificate 60, a private key 62, and a public key 64. Client 54 also includes SSL/PKI capabilities 66 for providing two-tier security with server 56. Furthermore, client 54 comprises a CDS (Certificate Data Structure) building mechanism 68. The CDS building mechanism 68 creates a CDS 70, which can be passed along to the other nodes to allow for verification." (col. 7, lines 1-14)

Applicant respectfully disagrees with this assertion. Specifically, the mere sectioning of computer systems does not rise to the level of a "ring," "web," or "tree," as claimed by applicant.

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. *In re Vaeck,*947 F.2d 488, 20 USPQ2d 1438 (Fed.Cir.1991).

Applicant respectfully asserts that at least the first and third elements of the *prima facie* case of obviousness have not been met, since the Examiner's proposed modification would not be obvious and further the prior art references, when combined, fail to teach or suggest all the claim limitations. A notice of allowance or a specific prior art showing of each of applicant's claimed elements, in combination with the remaining claimed features, is respectfully requested.

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For the reasons set forth hereinabove, all of the independent claims and the dependent claims are deemed allowable. All of the Examiner's rejections and objections are thus deemed to be overcome, and a notice of allowance is respectfully requested.

Reconsideration is respectfully requested.

In the event a telephone conversation would expedite the prosecution of this application, the Examiner may reach the undersigned at (408) 505-5100. If any fees are due in connection with the filing of this paper, the Commissioner is authorized to charge such fees to Deposit Account No. 50-1351 (Order No. NAI1P071/00.101.01).

Respectfully submitted,

Kevin J. Zilka
Registration No. 41,429

P.O. Box 721120
San Jose, CA 95172
Telephone: (408) 505-5100

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